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UNITED STATES
HOUSE OF REPRESENTATIVES
ROSA L. DELAURO
3RD DISTRICT, CONNECTICUT

CO-CHAIR, DEMOCRATIC STEERING AND
POLICY COMMITTEE

COMMITTEE ON APPROPRIATIONS

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AGRICULTURE, RURAL DEVELOPMENT,
FOOD AND DRUG ADMINISTRATION,
AND RELATED AGENCIES

COMMITTEE ON THE BUDGET

September 16, 2020

Alex Gorsky
Chairman of the Board and Chief Executive Officer
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933

Dear Mr. Gorsky:

I write with grave concern over Johnson & Johnson's failure to fully address the decades-long public health risks posed by marketing its talc-based baby powder which has been shown to contain asbestos, a group 1 carcinogen. The company's continued refusal to broadly recall and remove this dangerous product from the marketplace is yet another fateful decision that endangers the lives of millions of people, especially women.

In December 2018, a Reuters investigation¹ reviewed internal company documents to discover Johnson & Johnson was aware that samples of its baby powder had occasionally been found to contain asbestos. According to Reuters, Johnson & Johnson misled the U.S. Food and Drug Administration (FDA) about this asbestos detection and "didn't tell the agency that at least three tests by three different labs from 1972-1975 had found asbestos in its talc – in one case at levels reported as 'rather high.'"

More recently, the FDA alerted consumers in October 2019 to stop using Johnson & Johnson baby powder from a specific lot number after the agency discovered a sample from that lot number to be contaminated with asbestos. While this alert did cause Johnson & Johnson to initiate a narrow voluntary product recall of the specific lot number, the results from the FDA along with the company's own testing records suggest this was more than just an isolated incident.

¹ See, <https://www.reuters.com/investigates/special-report/johnsonandjohnson-cancer/>

Instead, researchers have long held that talc becomes contaminated with asbestos through the mining process. According to the American Cancer Society², “in its natural form, some talc contains asbestos.” Additionally, the FDA warns³ “during talc mining, if talc mining sites are not selected carefully and steps are not taken to purify the talc ore sufficiently, the talc may be contaminated with asbestos.”

Importantly, FDA’s own testing of cosmetic products, as well as its legal authority over them, is limited. To date, FDA’s testing of cosmetic products has only included a survey of 50 products, and full test results from this survey have yet to be issued by the agency⁴. Additionally, according to existing law, cosmetic products, including those containing talc, can go on the market without a requirement for FDA review or approval, and cosmetic companies are not required to share information regarding product safety with the agency.

Thus, when it comes to cosmetics, consumers are left to trust the goodwill and integrity of the companies marketing these products. By concealing any notion of potential asbestos contamination of its baby powder, Johnson & Johnson violated that trust and placed millions of lives at risk.

An internal Johnson & Johnson memo from the early 1990’s details the targeted marketing of this dangerous product to black, brown, and overweight women. Despite being warned decades ago by its own supplier that the talc contained “carcinogens,” the company ignored the warning and purposely put profits above the lives of its customers, specifically women of color. In 2006, Johnson & Johnson was warned by the World Health Organization that cosmetic talc, including baby powder, was “possibly carcinogenic” to humans. As before, Johnson & Johnson rejected the warning and stepped up its marketing to minority communities. According to Reuters⁵, Johnson & Johnson “distributed Baby Powder samples through churches and beauty salons in African American and Hispanic neighborhoods, ran digital and print promotions with weight-loss and wellness company Weight Watchers and launched a \$300,000 radio advertising campaign in a half-dozen markets aiming to reach ‘curvy Southern women 18-49 skewing African American.’”

As reported by The New York Times⁶, Johnson & Johnson “has faced thousands of lawsuits from cancer patients who claim that its talc was contaminated with asbestos, a known carcinogen, and that the company knew of the risks.” A majority of these patients are women with ovarian cancer. These court challenges coincide with the company’s May 2020 announcement that it would discontinue sales of its talc-based baby powder in North America. However, retailers were allowed to sell leftover inventory

² See, <https://www.cancer.org/cancer/cancer-causes/talcum-powder-and-cancer.html>

³ See, <https://www.fda.gov/news-events/press-announcements/baby-powder-manufacturer-voluntarily-recalls-products-asbestos>

⁴ U.S. Food and Drug Administration. *Baby Powder Manufacturer Voluntarily Recalls Product for Asbestos*. Constituent Update. 10/18/2019.

⁵ See, <https://www.reuters.com/article/us-johnson-johnson-marketing-specialrepo/special-report-as-baby-powder-concerns-mounted-jj-focused-marketing-on-minority-overweight-women-idUSKCN1RL1JZ>

⁶ See, <https://www.nytimes.com/2020/05/19/business/johnson-baby-powder-sales-stopped.html>

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and the product is undoubtedly on some consumers' shelves. Even more concerning, the company has continued to sell talc-based baby powder in other parts of the world, including countries with majority black and brown consumers.

Johnson & Johnson must commit to globally recalling its talc-based baby powder, as well as working to educate women and minority women about the dangers of talc-based cosmetics.

Sincerely,

A handwritten signature in blue ink that reads "Rosa L. DeLauro". The signature is written in a cursive style with a large initial "R".

ROSA L. DeLAURO
Member of Congress